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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,635	01/12/2001	Scott J. Kurowski	68585	2245

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EXAMINER

HARRELL, ROBERT B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,635

Applicant(s)

KUROWSKI ET AL.

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-36,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-36,56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

Art Unit: 2142

1. Claims 15-36, 56, and 57 remain for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are more directed to Distributed Computer Processing Among Clients Of A Network During Client Idle Time From Multiple Servers.
3. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ® (e.g., see page 23 (lines 14-25), page 41 (line 17) and page 83 (lines 11 and 12) as but examples) where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
4. Use of active hyperlink and/or other forms of browser executable code (HTML and/or XML) is improper (see MPEP 608.01) and must be removed (see page 77-et seq.) as an example, all others must also be removed). The reason being many OCR softwares will automatically associate (convert) such as an active (clickable) URL. Also, due to the dynamic nature of such links, they tend to become disabled rather than not in a relatively short time compared to the life of a Patent
5. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15-36, 56, and 57 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

a) "the input data"--claim 15 (second to last line)[*note two prior lines "input data"*].

7. As to 6 (a) above, this an example of numerous cases where clear antecedent basis are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent basis also is indefinite for the reasons outlined in this paragraph. Also, this is an example where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or

Art Unit: 2142

changes in tense, results in a lack of clear antecedent basis for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent basis are lacking can be viewed as non-responsive. Nonetheless, should a response yield all claims allowable short *a few* cases where clear antecedent basis are lacking within the claims, a preemptive authorization to enter an examiner's amendment to the record to correct such would accelerate a notice of allowance over a final rejection. Such could be added at the end of an applicant's response with the following statement: "Examiner is hereby authorized, without the need of further contact by examiner, to enter an Examiner's Amendment to correct any cases where antecedent basis are lacking." if the applicant so elects. This does not diminish the applicant's requirement to correct all such cases not so listed in the example few given above nor prohibit any amendments after a notice of allowance by the applicant.

8. Per claim 27, it cannot be clearly ascertained if each "input data" is the same or different since there is a lack of either "the" or "said" for subsequent usage of "input data".

9. Per 27 (second to last line), and any other claims over looked using the same, "adapted to" language suggests or makes optional but does not require steps to be performed nor limit a claim to a particular structure and thus does not limit the scope of a claim or claim limitation (see MPEP 2106 (II(C))). Therefore, the claim scope is open ended without meets and bounds and thus indefinite.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

11. *Claims 15-36, 56, and 57 are rejected under 35 U.S.C. 102 (e)* as being anticipated by Doyle (United States Patent Number: 6,009,455).

12. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited*

Art Unit: 2142

and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

13. Per claim 15, Doyle taught a method for use in a distributed computing system (e.g., see Title), comprising the steps of:

- a) sending a request for a new computational task through a computer network (e.g., see figure 1 7)) to a first sever, the request including user identification information (e.g., see Abstract, figure 5, figure 6, and col. 3 (line 58-et seq.));
- b) receiving module information from the first server through the computer network in response to the request, the module information including locator information for a second server in the computer network where an application module can be obtained (e.g., see col. 6 (lines 17-65) while noting col. 3 (lines 9-23));
- c) redirecting to the second sever using the locator information (e.g., see col. 9 (lines 9-40));
- d) receiving the application module from the second server ("job request means" per col. 11 (lines 41-43))) through the computer network wherein the application module includes application code and initial settings and operational file data but not input data for the application module (e.g., see col. 4 (lines 41-64) and col. 6 (lines 30-55));
- e) receiving a input data for the application module from a third server (e.g., see Abstract, figure 4, and figure 5) ; and,
- f) inputting the input data into the application module to perform the new computational task for which the request was sent (e.g., see col. 5 (lines 6-63) and col. 11 (lines 26-27 where the input data was the databases from a third server)).

14. Per claim 16, claim 17, claim 18, claim 19, and claim 20, since there were several client machines and work units, it was inherent that each client be uniquely identified, such as with an Internet address per col. 10 (lines 62-67) and col. 11 (line 18-19), and each work unit by a version identifier (number) as covered in col. 11 (lines 21-22)).

15. Per claim 21, see col. 10 (lines 62-67)).

16. Per claim 22, see Abstract.

17. Per claim 23 and claim 24, see col. 11 (lines 11-14) (i.e., the client could work on a problem until such time the resource requirements became an issue (disk full)) and per col. 7 (lines 1-14)).

18. Per claim 25 and claim 26, such status would be an indication (state) that the work was completed per col. 7 (line 9)).

19. Per claim 56, see col. 11 (lines 32-34) keeping in mind the fact there were several clients working at the same time and thus in parallel. Moreover, operating systems of the type that run Internet browsers ran on such as Windows © based systems (a multitasking parallel operating system running threads and the like) or Unix based systems.

Art Unit: 2142

20. Per claims 27-36 and claim 57, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

21. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:

a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102 (f) or (g) prior art under 35 U.S.C. 103.

23. **Claims 15-36, 56, and 57 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Doyle (United States Patent Number: 6,009,455).

24. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action.

25. That which was anticipated was obvious.

26. Doyle did show many servers and suggested the uniqueness of each col. 3 (line 9-et seq.) and col. 11 (lines 41-43) as either different servers or all in one server. Thus, it would have been obvious, in those cases of one server, that the application module be stored on one server, the input data on another server and the whole of the distribution operation coordinated by a master server over the Internet for which the client would retrieve the required components (i.e., client slave computer indicates to the master server (i.e., a first server) the availability for work which would point the client to a location to obtain an executable application module from a second server and input data from a third server).

Art Unit: 2142

27. It would have been obvious to one skilled in the data processing art to subdivide the functions of master server, application module storage server, and input data storage server because, per above, such was suggested by Doyle specifically in col. 3 (line 9-et seq.) and col. 11 (lines 41-43) even if his figures only showed a single "server".

28. **A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).**

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

31. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read "R. B. Harrell", is written over a horizontal line.

ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142